

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ANDRE RAHIM/HUNTER
ADC #106207

PLAINTIFF

V. 5:05CV00193 JLH/JTR

HUNTER, Nurse, Varner Unit,
Arkansas Department of Correction, et al.

DEFENDANTS

ORDER

On August 11, 2005, service upon Defendant Broadnax, which was sent to the ADC Compliance Office, was returned as unexecuted. *See* docket entry #5. On August 17, 2005, the Court ordered the ADC Compliance Office to file a sealed Statement providing Defendant Broadnax's last known private mailing address. *See* docket entry #10. On August 26, 2005, counsel for the ADC Compliance Office filed a Statement indicating that Defendant Broadnax was a former employee of Correctional Medical Services ("CMS"), and not the ADC. *See* docket entry #26. Accordingly, the Court will give counsel for CMS thirty days to file a sealed Statement containing the last known private mailing address for Defendant Broadnax.

Additionally, counsel for CMS has notified the Court that it cannot accept service upon Defendants "Nurse Hunter" and "Nurse Brown" because they are not on CMS's current employee list. *See* docket entries #18 and #19. Additionally, counsel for CMS states that it does not have enough identifying information to determine whether those two individuals were ever CMS employees. *Id.* Accordingly, the Court will give Plaintiff 120 days to file a Statement setting forth the initials or first names of Defendants Hunter and/or Brown. Plaintiff may be able to obtain this information by using the discovery process set forth in Fed. R. Civ. P. 24 through 36. Finally, the Court advises Plaintiff that the failure to timely and properly comply with this Order could result in

those Defendants being dismissed from this action, without prejudice, due to a lack of service.

IT IS THEREFORE ORDERED THAT:

1. The Mr. Alan Humphries, counsel for CMS Defendants in this action, shall file, within thirty days of the entry of this Order, a **SEALED** Statement containing Defendant Broadnax's last known private mailing address.
2. Plaintiff shall, within 120 days of this Order, file a Statement containing the first names or initials of Defendants Brown and Hunter.

Dated this 29th day of August, 2005.


A. Thomas Ray
UNITED STATES MAGISTRATE JUDGE